

A BILL

FOR AN ACT TO PROVIDE FOR THE DRAINAGE OF HIGHWAYS, AND TO AUTHORIZE THE PURCHASE OR CONDEMNATION OF THE RIGHT OF WAY OVER PRIVATE PROPERTY FOR THE EXTENSION OF HIGHWAY DRAINS, AND FOR THE PAYMENT OF THE COST OF EXTENDING SUCH DRAINS, AND TO PROVIDE FOR THE PAYMENT OF THE COST OF SAID DRAINS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. The board of supervisors, whenever they deem the same necessary, or upon
2 the application of the trustees, shall have the power to purchase or to obtain title by condem-
3 nation proceedings to private property for the purpose of securing outlets for the drainage of
4 highways, and for the extension of underground or open ditches to such outlets; in the event of
5 the failure of the board to purchase said right of way of the owner or owners thereof, they
6 shall have the right to institute condemnation proceedings in the manner provided in chapter
7 four (4), title ten (10) of the code of 1873 and the amendments thereto.

SEC. 2. The drains to be constructed or extended as provided for in section one (1) hereof,
2 shall be underground or open drains and built in such manner as to produce as little drainage
3 upon the surface of the property under or upon which the same is extended as may be possible.
4 The board of supervisors shall appoint a board of assessment of three disinterested freeholders
5 of the county for assessing the property over which such underground or open drains will
6 extend for the purpose of assessing a tax upon the same in proportion to the benefits realized
7 by said property from the condemnation and use of said drains, and for the purpose of making
8 said assessment they shall fix a time and place of their sitting, and shall serve or cause to be
9 served upon the owners of lands proposed to be assessed ten days' notice in writing, stating the
10 time and place of sitting of said board for the hearing which shall precede such assessment; at
11 which hearing the evidence of such owner or any other witness may be received by said board
12 and considered in the making of said assessment. Said assessment shall be reported and
13 entered upon the records of the county, and the tax so levied shall be collected in the same
14 manner as taxes are collected for the making of such ditches as is provided for in section 1852
15 of McClain's code of Iowa.

SEC. 3. Any balance of the cost of building said drains remaining unpaid above the
2 amount assessed against the lands under which said drains are extended shall be paid for by
3 said board out of the county road tax, levied and collected as provided by law.